

U.S.C. § 2000e-(b) in that the Defendant is engaged in an industry affecting commerce and has employed at least 500 persons in each of 20 or more calendar weeks in the current or preceding calendar year.

**PLAINTIFF BASES FOR DISCRIMINATION IS RACIAL, ADVERSE ACTIONS
BY COMPANY, DOUBLE STANDARDS WHITE EMPLOYEES VERSE BLACK
EMPLOYEES, HARASSMENT AND RETALATION**

1. This in a proceeding for declaratory, injunctive and other relief to secure the rights of plaintiff under 42 U.S.C. § 2000E, et seq. and 42 U.S.C. § 1981.
2. It is brought to prevent Defendant from maintaining a policy, practice, custom or usage of discrimination against Plaintiff in regard to compensation, terms, conditions and privileges of employment, and seeks compensatory damages and back pay as result of Defendant discriminated against Plaintiff because of his race, adverse actions by Defendant.
3. Plaintiff description in detail of discrimination against him as employees of Defendant, because of his race African American.
4. Plaintiff Don Wesley received a Right to Sue, September 19, 2005 from the Office of Civil Rights (OCR); Plaintiff alleged he was fired without cause. For over a period of time Texas Workforce Commission (TWC) held an investigation in regards to an appeal by the Defendant. On three separate hearings The Texas Workforce Commission favored Wesley. Texas Workforce Commission supporting Wesley, that Defendant fired Wesley against their employment practice. TWC upheld its pervious decisions in the conclusion on the last appeal by the

Defendant. Plaintiff alleges that Defendant terminated his employment because of his race Black. Defendant allowed white employees to look at adult X rated movies on their breaks, lunches and training of employees for over a period of time. Plaintiff Wesley time of employment with Defendant for 14 years or more. After the above Plaintiff begin to speak out on discrimination practices, Defendant breached its contract with minorities by using a surveillance camera to terminate Wesley.

On or about February 2005, Plaintiff along with other white employees on their break was watching an adult x-rated movie on Defendant's TV that was damaged through transportation. Defendant uses the TV for employees' recreation during their breaks, lunches and, training. Wesley was signled out by Defendant and terminated for this adverse action by Defendant.

5. After Defendant had fired Plaintiff later came back with theft of company time.
6. Defendant alleged that Plaintiff was terminated because of outrageous conduct.
7. Plaintiff alleged that Defendant denied new employee training to minorities ranging from 1990 until terminated 2005.
8. Plaintiff alleged that Defendant allowed adverse action by white employees by, hanging up a hangman's noose (a rope that was used by slave masters during slavery time), on the East Dock where most minorities worked.
9. Plaintiff alleged that Defendant allowed white employees to write discriminatory statements in the employee bathroom of the workplace.
10. Plaintiff alleged that Defendant allowed white employee's to

destroy minorities' personal property that lead to many police reports.

11. Plaintiff alleged that Defendant re-hired a white employee that called a black employee "NIGGER" after Defendant had terminated his employment.
12. Plaintiff alleged that Defendant denied the re-hiring of black employee after the ruling from Texas Workforce Commission decision that Defendant had no just cause to terminate the black employee.
13. Plaintiff alleged that minorities time cards missing from the designated places, which is near the time clock on both docks. White employees do not encounter missing time cards, these incidents have been reported to all supervisors including (Dave Parker) No corrected actions where made to stop minorities complaints on the time card issues. Parker made the comment if he addressed the time cards issues the white employees will pull a slow down.
14. Plaintiff alleged that Defendant allows white employees more time for breaks and lunch, as well as allow white employees to go at any time. Minorities are only allowed to take breaks at assigned times, an adverse action of discrimination toward minorities in the workplace.
15. Defendant allows this adverse action to take place in the workplace continuously.
16. Plaintiff alleged experiencing these adverse actions from white employees of Yellow Transportation on a daily basis.
17. Plaintiff alleged that Defendant allowed racial discrimination as listed:

18. Time cards tampering
19. Breaks and lunches
20. Double standards by treating minorities differently in workplace
21. Personal property vandalized, tires cut on company property during work hours
22. Minorities filed grievances against white employees for special treatment in the workplace
23. Minority employees terminated not re-hired and white employees terminated for calling black employee "NIGGER" re-hired by the Defendant.
24. Minority employee terminated against Defendant policy. Plaintiff alleged that Defendant accused minorities of theft of company time when video showed white employee on camera during break.
25. Plaintiff alleged Defendant hiring practices and promotions do not allow minorities to advance and have the same opportunity to become full time employees in a timely manner.
26. Plaintiff alleged one or more of the Plaintiff have experienced allegations listed that Defendant allowed such actions to take place during normal work hours in the workplace.
27. Plaintiff has no plan or adequate remedy at law to correct the wrong complaint of herein, and this suit for declaratory and injunctive relief is their only means of securing relief.
Further, Plaintiff is now suffering and will continue to suffer irreparable injury from Defendant's policies, practices, customs, and usages as set forth herein.
28. Further, Plaintiff requests the court to award compensatory damages for the mental anguish and emotional stress suffered

by Plaintiff as a direct and proximate cause of the Defendant's actions. Plaintiff further request all and any employment-related benefits of which Defendant has deprived the Plaintiff and is violation of the federal rights identified herein. Further Plaintiff seeks reasonable attorney's fees.

29. All conditions precedent to the filing of this action has been fulfilled.
30. Plaintiff requests a jury trial on all issues.
31. Plaintiff alleged mental stress from the adverse actions of discrimination from defendant.

PRAYER

WHEREFORE, Plaintiff respectfully prays that this court will to advance this case on the docket and grant the following:

A trail by jury;

A permanent injunction, enjoining Defendant, its agents, employees, and successors from continuing to discriminate against Plaintiff on account of their race;

A declaratory judgment declaring Defendant's past practices herein complained of to be violation of 42 U.S.C. § 1995 and 2000(e):

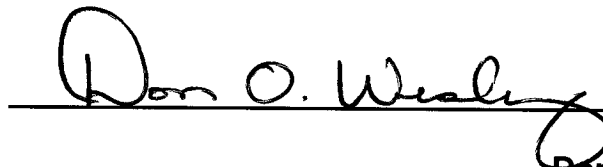
Compensatory damages and any other necessary equitable and legal relief to the Plaintiff named in the Partition, including, judgment and post judgment interest at the legal rate;

Court costs

Attorney's fee; and

Such other and further relief Plaintiff may be justly entitled.

Respectfully submitted,

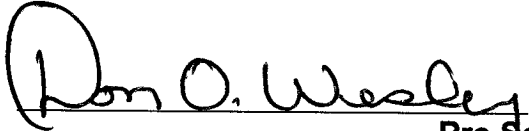

Pro Se
Don Wesley
PLAINTIFF
701 Cowboys Pkwy Apt. 1086
Irving, TX 75063
214-485-1437

ORIGINAL

CERTIFICATE OF SERVICE

I Don Wesley, (Plaintiff do hereby certify that on the 18
day of November, 2005., a true and correct copy of the
foregoing pleading was forward to Yellow Transportation Inc., the
attorney for (Defendant) at the address of 4500 Irving Blvd,
Dallas, Texas 75247.

Dated: 11-19-2005


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Don Wesley
PLAINTIFF
701 Cowboys Pkwy Apt. 1086
Irving, TX 75063
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JS 44
(Rev. 3/99)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS**ORIGINAL** Don Wesley(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Dallas, TEXAS.
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Pro Se

RECEIVED
NOV 18 2005
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

DEFENDANTS

Yellow Transportation, Inc c/o The Frick Co.

Dallas, TEXAS.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

3-05 CV-2266D**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 366 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Reckless Influence and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input type="checkbox"/> 581 Agricultural Acts <input type="checkbox"/> 582 Economic Stabilization Act <input type="checkbox"/> 583 Environmental Matters <input type="checkbox"/> 584 Energy Allocation Act <input type="checkbox"/> 585 Freedom of Information Act <input type="checkbox"/> 590 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 595 Constitutionality of State Statutes <input type="checkbox"/> 599 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Waiters <input type="checkbox"/> 449 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRWC/DWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD